IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 25241 of 2005(E)

PETITIONER:

K.SUJATHA,
D/O.KUNJIKUTTY,
AGED 35 YEARS, RESIDING AT BHAGAVATHY VADAKKATHIL,
MANAPPALLI VADAKUM MURI,
THAZHAVA VILLAGE.

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENTS:
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1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
COLLECTORATE,
KOLLAM.

3. THE REVENUE DIVISIONAL OFFICER,
KOLLAM.

4. THE SUPERINTENDENT OF SURVEY AND
LAND RECORDS(RESURVEY),
KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT.

5. THE VILLAGE OFFICER,
PAVUMBA,
KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT.

BY GOVERNMENT PLEADER SRI. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 25241/2005 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT DT. 16/10/00 IN OS NO. 38/97 SETTING ASIDE THE PARTITION DEED NO. 2291/ DT. 3/07/96 AND GRANTING INJUNCTION.

EXT.P2. COPY OF THE DECREE DT. 16/10/00 IN OS NO. 38/97 PASSED BY MUNSIFF'S COURT, KARUNAGAPPALLY.

EXT.P3. COPY OF THE ORDER DT. 27/1/2005 ISSUED BY THE R3 TO THE PETITIONER AND OTHERS.

EXT.P4. COPY OF THE LETTER DT. 10/3/2005 SUBMITTED BY THE PETITIONER AND OTHERS TO THE R3.

EXT.P5. COPY OF THE COMPLAINT DT. 10/4/2005 BY THE PETITIONER AND OTHERS TO THE R3.

EXT.P6. COPY OF THE LETTER NO. NIL AND DATED NIL ISSUED BY THE R4.

EXT.P7. COPY OF THE MORTGAGE DEED DT. 8/2/51 EXECUTED BY THE THIRUVANCHAN CHATHAN.

EXT.P8. COPY OF THE RELEASE DEED NO. 678/61 DTY. 7/2/61.

True copy

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Thottathil B. Radhakrishnan, J.

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W.P.(C)No.25241 of 2005

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Dated this the 22nd day of February, 2007.

JUDGMENT

Following Ext.P3, though the case of the petitioner was considered in the Adalat, nothing fruitful came out, as is reflected from Ext.P6. Petitioner makes a claim basically on the strength of Ext.P2 decision of the civil court and some of the findings in Ext.P3. Under such circumstances, while quashing Ext.P6, it is directed that the Revenue Divisional Officer will take up the case of the petitioner afresh following Ext.P3 and decide the same after calling for necessary reports from the competent among the respondents. Petitioner will produce necessary documents before the Revenue Divisional Officer. Let the needful be done within a period of six months or necessary materials in that regard as aforesaid, whichever is later.

Writ Petition is disposed of in the above terms.

Thottathil B.Radhakrishnan,
Judge.

sl.